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February 11, 1998

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FEB 11 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

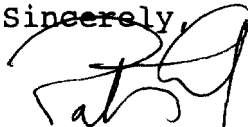
**Re: Reply Comments concerning
Amendment of Section 73.202(b),
FM Table of Allotments
MM Docket No. 97-91; RM-8854; RM-9221
(Lewisville, Gainesville, Robinson,
Corsicana, Jacksboro, and Mineral Wells, Texas)**

Dear Ms. Salas:

Transmitted herewith on behalf of K95.5, Inc. is an original and four copies of its reply comments concerning the above-referenced allotment proceeding, pursuant to FCC Public Notice Report No. 2251, released January 28, 1998.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia
Patricia M. Chuh

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 11 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-91
Table of Allotments,)	RM-8854
FM Broadcast Stations.)	RM-9221
(Lewisville, Gainesville, Robinson,)	
Corsicana, Jacksboro, and)	
Mineral Wells, Texas))	

To: Chief, Allocations Branch

REPLY COMMENTS

K95.5, Inc., by its attorneys, pursuant to FCC Public Notice Report No. 2251, released January 28, 1998, hereby respectfully submits its Reply Comments concerning the application for a new construction permit filed by Jerry Snyder and Associates, Inc. ("Snyder"), licensee of KYXS(FM), Mineral Wells, Texas (BPH-961125IG) ("Upgrade Application"), which is being considered as a counterproposal in this allotment proceeding. In response thereto, the following is submitted:

1. The instant rule making proceeding was initiated by a petition for rule making filed on July 26, 1996 by Heftel Broadcasting Corporation ("Heftel"), controlling stockholder of the permittee of KECS(FM), Gainesville, Texas and the licensee of KICI-FM, Corsicana, Texas, proposing (1) the substitution of Channel 300C1 for 300C2 at Gainesville, Texas; (2) the reallocation of Channel 300C1 to Lewisville, Texas and the modification of the KECS(FM) construction permit to specify operation on Channel 300C1 at Lewisville, Texas; (3) the substitution of Channel 300A for channel 300C1 at Corsicana, Texas; (4) the reallocation of Channel 300A to Robinson, Texas and

the modification of the KICI-FM license to specify operation on Channel 300A at Robinson, Texas; (5) the substitution of Channel 237A for Channel 299A at Jacksboro, Texas; and (6) the substitution of Channel 240C3 for 240C1 at Mineral Wells, Texas ("Heftel's Allotment Plan"). The Commission released a Notice of Proposed Rule Making ("NPRM") on March 14, 1997. See Notice of Proposed Rule Making, MM Docket No. 97-91, RM-8854, released March 14, 1997. The NPRM established May 5, 1997 as the deadline for filing comments and counterproposals and May 20, 1997 as the deadline for filing reply comments.

2. Snyder's Upgrade Application was filed on November 25, 1996. On January 28, 1998, the Commission released Public Notice Report No. 2251 announcing that the Commission will treat Snyder's Upgrade Application as a counterproposal in this rule making proceeding. The Commission also advised that interested persons wishing to file reply comments to Snyder's Upgrade Application/Counterproposal should do so no later than 15 days after the release of Public Notice Report No. 2251, or February 12, 1998.^{1/}

3. The Commission should adopt Heftel's Allotment Plan because Heftel's Allotment Plan will produce a significantly greater gain in the population served (an additional 2,363,641 persons), than a grant of Snyder's Upgrade Application. The chart below shows that the adoption of Heftel's Allotment Plan

^{1/} As such, K95.5, Inc.'s instant Reply Comments are timely filed.

will result in a total gain of 2,721,385 persons, while a grant of Snyder's Upgrade Application will only result in a gain of 357,744 persons. Accordingly, Heftel's Allotment Plan is a more preferential arrangement of allotments than the upgrade sought by Snyder.

COMPARISON OF POPULATION GAINS AND LOSSES^{2/}

<u>Proposal</u>	<u>Population Presently Served</u>	<u>Population Served By Proposal</u>	<u>Gain/(Loss)</u>
Heftel:			
KECS(FM)	147,106 ^{3/}	2,941,838	2,794,732
KICI-FM	255,432	182,085	(73,347)
	=====	=====	=====
TOTAL	402,538	3,123,923	2,721,385^{4/}
 <u>Snyder:</u>			
KYXS-FM	63,792	421,536	357,744

WHEREFORE, for the foregoing reasons, K95.5, Inc. urges the Commission to (1) substitute Channel 300C1 for 300C2 at Gainesville, Texas; (2) reallot Channel 300C1 to Lewisville, Texas and modify the KECS(FM) construction permit to specify operation on Channel 300C1 at Lewisville, Texas; (3) substitute Channel 300A for channel 300C1 at Corsicana, Texas; (4) reallot Channel 300A to Robinson, Texas and modify the KICI-FM license to specify operation on Channel 300A at Robinson, Texas; (5) substitute Channel 237A for Channel 299A at Jacksboro, Texas; and

^{2/} The figures in this chart are taken from Comments filed by Heftel on May 5, 1997 (MM Docket No. 97-91; RM-8854).

^{3/} This figure is based upon the population coverage of KECS(FM) operating as a Class C2 facility.

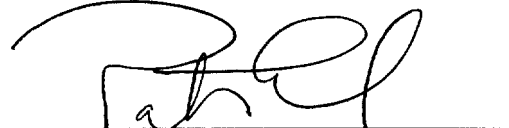
^{4/} This figure includes service to 419,291 Hispanics.

(6) substitute Channel 240C3 for 240C1 at Mineral Wells,
Texas.^{5/}

Respectfully submitted,

K95.5, INC.

By: _____



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February 11, 1998

^{5/} With the substitution of Channel 237A for Channel 299A at Jacksboro, Texas, the upgrade of KHYI(FM), Howe, Texas from Channel 237C3 to Channel 237C2 cannot be made. This moots the questions of whether the KHYI(FM) upgrade proposal was a timely-filed counterproposal in this proceeding in the first instance since it conflicts with proposals previously filed in the Detroit, Texas, MM Docket No. 97-26, proceeding. See e.g., Reply Comments filed May 19, 1997 by K95.5, Inc.

CERTIFICATE OF SERVICE

I, Lisa A. Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 11th day of February, 1998, copies of the foregoing Reply Comments were mailed, postage prepaid, to the following:

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